

Notice of Allowability

Application No.

10/708,749

Applicant(s)

GUERIN ET AL.

Examiner

Art Unit

Khoa D. Huynh

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant amendment filed on 8/7/06 & examiner amendment filed on 10/12/06.
2. ☒ The allowed claim(s) is/are 1-5, 7, 8, 10-13, 15-24, 26-32 and 37-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20061012</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Evelyn Sommer on 10/11/2006.

The application has been amended as follows:

In claim 1,

line 11: after "said air channel" insert --, wherein said controller receiving said height of user signal so that water is delivered to said at least one misting nozzle dependence on the height of the user--.

In claim 8,

line 3: before the recitation "user" delete "a" and substitute --the--.

In claim 21,

after line 22, indent and insert --at least one height sensor generating a height of user signal--,

line 27: after "said air channel" insert --, wherein said controller receiving said height of user signal so that water is delivered to said rows of misting nozzles dependence on the height of the user--.

Claim 25 has been cancelled.

In claim 27,

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line 3: before the recitation "user" delete "a" and substitute --the--.

In claim 37,

line 19: delete "and",

after line 19, indent and insert --at least one height sensor generating a height of user signal, and--,

line 20: delete the recitation "a height signal" and substitute --said height of user signal--.

In claim 39,

line 15: delete "and",

after line 15, indent and insert --at least one height sensor generating a height of user signal, and--,

line 19: after "said air channel" insert --, wherein said controller receiving said height of user signal so that water is delivered to said first row of misting nozzles dependence on the height of the user--.

In claim 48,

line 11: delete "and",

after line 11, indent and insert --at least one height sensor generating a height of user signal, and--,

line 16: after "said air channel" insert --, wherein said controller receiving said height of user signal so that water is delivered to said rows of misting nozzles dependence on the height of the user--.

In claim 49,

line 9: delete "and",

after line 9, indent and insert --at least one height sensor generating a height of user signal, and--,

line 12: after "said air channel" insert --, wherein said controller receiving said height of user signal so that water is delivered to said rows of misting nozzles dependence on the height of the user--.

2. Claims 1-5, 7, 8, 10-13, 15-24, 26-32 and 37-49 are allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance: none of the cited prior art teaches a shower system having, in conjunction with other limitations, the height sensor generating a height of user signal, and the controller that receives the height of user signal so that water is delivered to the misting nozzles dependence on the height of the user as claimed.

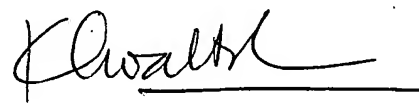
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (571) 272-4888. The examiner can normally be reached on M-F (7:00-3:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'K. Huynh', is written over a horizontal line.

Khoa D. Huynh
Primary Examiner
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HK
10/12/2006